

117TH CONGRESS
2D SESSION

H. R. 8956

AN ACT

To amend chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “FedRAMP Authoriza-
3 tion Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Ensuring that the Federal Government can
7 securely leverage cloud computing products and serv-
8 ices is key to expediting the modernization of legacy
9 information technology systems, increasing cyberse-
10 curity within and across departments and agencies,
11 and supporting the continued leadership of the
12 United States in technology innovation and job cre-
13 ation.

14 (2) According to independent analysis, as of
15 calendar year 2019, the size of the cloud computing
16 market had tripled since 2004, enabling more than
17 2,000,000 jobs and adding more than
18 \$200,000,000,000 to the gross domestic product of
19 the United States.

20 (3) The Federal Government, across multiple
21 presidential administrations and Congresses, has
22 continued to support the ability of agencies to move
23 to the cloud, including through—

24 (A) President Barack Obama’s “Cloud
25 First Strategy”;

1 (B) President Donald Trump’s “Cloud
2 Smart Strategy”;

3 (C) the prioritization of cloud security in
4 Executive Order No. 14028 (86 Fed. Reg.
5 26633; relating to improving the nation’s cyber-
6 security), which was issued by President Joe
7 Biden; and

8 (D) more than a decade of appropriations
9 and authorization legislation that provides
10 agencies with relevant authorities and appro-
11 priations to modernize on-premises information
12 technology systems and more readily adopt
13 cloud computing products and services.

14 (4) Since it was created in 2011, the Federal
15 Risk and Authorization Management Program (re-
16 ferred to in this section as “FedRAMP”) at the
17 General Services Administration has made steady
18 and sustained improvements in supporting the se-
19 cure authorization and reuse of cloud computing
20 products and services within the Federal Govern-
21 ment, including by reducing the costs and burdens
22 on both agencies and cloud companies to quickly and
23 securely enter the Federal market.

24 (5) According to data from the General Services
25 Administration, as of the end of fiscal year 2021,

1 there were 239 cloud providers with FedRAMP au-
2 thorizations, and those authorizations had been re-
3 used more than 2,700 times across various agencies.

4 (6) Providing a legislative framework for
5 FedRAMP and new authorities to the General Serv-
6 ices Administration, the Office of Management and
7 Budget, and Federal agencies will—

8 (A) improve the speed at which new cloud
9 computing products and services can be se-
10 curely authorized;

11 (B) enhance the ability of agencies to ef-
12 fectively evaluate FedRAMP authorized pro-
13 viders for reuse;

14 (C) reduce the costs and burdens to cloud
15 providers seeking a FedRAMP authorization;
16 and

17 (D) provide for more robust transparency
18 and dialogue between industry and the Federal
19 Government to drive stronger adoption of se-
20 cure cloud capabilities, create jobs, and reduce
21 wasteful legacy information technology.

22 **SEC. 3. TITLE 44 AMENDMENTS.**

23 (a) AMENDMENT.—Chapter 36 of title 44, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 3607. Definitions**

2 “(a) IN GENERAL.—Except as provided under sub-
3 section (b), the definitions under sections 3502 and 3552
4 apply to this section through section 3616.

5 “(b) ADDITIONAL DEFINITIONS.—In this section
6 through section 3616:

7 “(1) ADMINISTRATOR.—The term ‘Adminis-
8 trator’ means the Administrator of General Services.

9 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term ‘appropriate congressional com-
11 mittees’ means the Committee on Homeland Secu-
12 rity and Governmental Affairs of the Senate and the
13 Committee on Oversight and Reform of the House
14 of Representatives.

15 “(3) AUTHORIZATION TO OPERATE; FEDERAL
16 INFORMATION.—The terms ‘authorization to oper-
17 ate’ and ‘Federal information’ have the meaning
18 given those term in Circular A–130 of the Office of
19 Management and Budget entitled ‘Managing Infor-
20 mation as a Strategic Resource’, or any successor
21 document.

22 “(4) CLOUD COMPUTING.—The term ‘cloud
23 computing’ has the meaning given the term in Spe-
24 cial Publication 800–145 of the National Institute of
25 Standards and Technology, or any successor docu-
26 ment.

1 “(5) CLOUD SERVICE PROVIDER.—The term
2 ‘cloud service provider’ means an entity offering
3 cloud computing products or services to agencies.

4 “(6) FEDRAMP.—The term ‘FedRAMP’
5 means the Federal Risk and Authorization Manage-
6 ment Program established under section 3608.

7 “(7) FEDRAMP AUTHORIZATION.—The term
8 ‘FedRAMP authorization’ means a certification that
9 a cloud computing product or service has—

10 “(A) completed a FedRAMP authorization
11 process, as determined by the Administrator; or

12 “(B) received a FedRAMP provisional au-
13 thorization to operate, as determined by the
14 FedRAMP Board.

15 “(8) FEDRAMP AUTHORIZATION PACKAGE.—
16 The term ‘FedRAMP authorization package’ means
17 the essential information that can be used by an
18 agency to determine whether to authorize the oper-
19 ation of an information system or the use of a des-
20 ignated set of common controls for all cloud com-
21 puting products and services authorized by
22 FedRAMP.

23 “(9) FEDRAMP BOARD.—The term ‘FedRAMP
24 Board’ means the board established under section
25 3610.

1 “(10) INDEPENDENT ASSESSMENT SERVICE.—

2 The term ‘independent assessment service’ means a
3 third-party organization accredited by the Adminis-
4 trator to undertake conformity assessments of cloud
5 service providers and the products or services of
6 cloud service providers.

7 “(11) SECRETARY.—The term ‘Secretary’
8 means the Secretary of Homeland Security.

9 **“§ 3608. Federal Risk and Authorization Management**
10 **Program**

11 “There is established within the General Services Ad-
12 ministration the Federal Risk and Authorization Manage-
13 ment Program. The Administrator, subject to section
14 3614, shall establish a Government-wide program that
15 provides a standardized, reusable approach to security as-
16 sessment and authorization for cloud computing products
17 and services that process unclassified information used by
18 agencies.

19 **“§ 3609. Roles and responsibilities of the General**
20 **Services Administration**

21 “(a) ROLES AND RESPONSIBILITIES.—The Adminis-
22 trator shall—

23 “(1) in consultation with the Secretary, develop,
24 coordinate, and implement a process to support
25 agency review, reuse, and standardization, where ap-

1 appropriate, of security assessments of cloud com-
2 puting products and services, including, as appro-
3 priate, oversight of continuous monitoring of cloud
4 computing products and services, pursuant to guid-
5 ance issued by the Director pursuant to section
6 3614;

7 “(2) establish processes and identify criteria
8 consistent with guidance issued by the Director
9 under section 3614 to make a cloud computing prod-
10 uct or service eligible for a FedRAMP authorization
11 and validate whether a cloud computing product or
12 service has a FedRAMP authorization;

13 “(3) develop and publish templates, best prac-
14 tices, technical assistance, and other materials to
15 support the authorization of cloud computing prod-
16 ucts and services and increase the speed, effective-
17 ness, and transparency of the authorization process,
18 consistent with standards and guidelines established
19 by the Director of the National Institute of Stand-
20 ards and Technology and relevant statutes;

21 “(4) establish and update guidance on the
22 boundaries of FedRAMP authorization packages to
23 enhance the security and protection of Federal infor-
24 mation and promote transparency for agencies and

1 users as to which services are included in the scope
2 of a FedRAMP authorization;

3 “(5) grant FedRAMP authorizations to cloud
4 computing products and services consistent with the
5 guidance and direction of the FedRAMP Board;

6 “(6) establish and maintain a public comment
7 process for proposed guidance and other FedRAMP
8 directives that may have a direct impact on cloud
9 service providers and agencies before the issuance of
10 such guidance or other FedRAMP directives;

11 “(7) coordinate with the FedRAMP Board, the
12 Director of the Cybersecurity and Infrastructure Se-
13 curity Agency, and other entities identified by the
14 Administrator, with the concurrence of the Director
15 and the Secretary, to establish and regularly update
16 a framework for continuous monitoring under sec-
17 tion 3553;

18 “(8) provide a secure mechanism for storing
19 and sharing necessary data, including FedRAMP
20 authorization packages, to enable better reuse of
21 such packages across agencies, including making
22 available any information and data necessary for
23 agencies to fulfill the requirements of section 3613;

24 “(9) provide regular updates to applicant cloud
25 service providers on the status of any cloud com-

1 puting product or service during an assessment
2 process;

3 “(10) regularly review, in consultation with the
4 FedRAMP Board—

5 “(A) the costs associated with the inde-
6 pendent assessment services described in section
7 3611; and

8 “(B) the information relating to foreign in-
9 terests submitted pursuant to section 3612;

10 “(11) in coordination with the Director of the
11 National Institute of Standards and Technology, the
12 Director, the Secretary, and other stakeholders, as
13 appropriate, determine the sufficiency of underlying
14 standards and requirements to identify and assess
15 the provenance of the software in cloud services and
16 products;

17 “(12) support the Federal Secure Cloud Advi-
18 sory Committee established pursuant to section
19 3616; and

20 “(13) take such other actions as the Adminis-
21 trator may determine necessary to carry out
22 FedRAMP.

23 “(b) WEBSITE.—

24 “(1) IN GENERAL.—The Administrator shall
25 maintain a public website to serve as the authori-

1 tative repository for FedRAMP, including the timely
2 publication and updates for all relevant information,
3 guidance, determinations, and other materials re-
4 quired under subsection (a).

5 “(2) CRITERIA AND PROCESS FOR FEDRAMP
6 AUTHORIZATION PRIORITIES.—The Administrator
7 shall develop and make publicly available on the
8 website described in paragraph (1) the criteria and
9 process for prioritizing and selecting cloud com-
10 puting products and services that will receive a
11 FedRAMP authorization, in consultation with the
12 FedRAMP Board and the Chief Information Offi-
13 cers Council.

14 “(c) EVALUATION OF AUTOMATION PROCEDURES.—

15 “(1) IN GENERAL.—The Administrator, in co-
16 ordination with the Secretary, shall assess and
17 evaluate available automation capabilities and proce-
18 dures to improve the efficiency and effectiveness of
19 the issuance of FedRAMP authorizations, including
20 continuous monitoring of cloud computing products
21 and services.

22 “(2) MEANS FOR AUTOMATION.—Not later than
23 1 year after the date of enactment of this section,
24 and updated regularly thereafter, the Administrator

1 shall establish a means for the automation of secu-
2 rity assessments and reviews.

3 “(d) METRICS FOR AUTHORIZATION.—The Adminis-
4 trator shall establish annual metrics regarding the time
5 and quality of the assessments necessary for completion
6 of a FedRAMP authorization process in a manner that
7 can be consistently tracked over time in conjunction with
8 the periodic testing and evaluation process pursuant to
9 section 3554 in a manner that minimizes the agency re-
10 porting burden.

11 **“§ 3610. FedRAMP Board**

12 “(a) ESTABLISHMENT.—There is established a
13 FedRAMP Board to provide input and recommendations
14 to the Administrator regarding the requirements and
15 guidelines for, and the prioritization of, security assess-
16 ments of cloud computing products and services.

17 “(b) MEMBERSHIP.—The FedRAMP Board shall
18 consist of not more than 7 senior officials or experts from
19 agencies appointed by the Director, in consultation with
20 the Administrator, from each of the following:

21 “(1) The Department of Defense.

22 “(2) The Department of Homeland Security.

23 “(3) The General Services Administration.

24 “(4) Such other agencies as determined by the
25 Director, in consultation with the Administrator.

1 “(c) QUALIFICATIONS.—Members of the FedRAMP
2 Board appointed under subsection (b) shall have technical
3 expertise in domains relevant to FedRAMP, such as—

4 “(1) cloud computing;

5 “(2) cybersecurity;

6 “(3) privacy;

7 “(4) risk management; and

8 “(5) other competencies identified by the Direc-
9 tor to support the secure authorization of cloud serv-
10 ices and products.

11 “(d) DUTIES.—The FedRAMP Board shall—

12 “(1) in consultation with the Administrator,
13 serve as a resource for best practices to accelerate
14 the process for obtaining a FedRAMP authorization;

15 “(2) establish and regularly update require-
16 ments and guidelines for security authorizations of
17 cloud computing products and services, consistent
18 with standards and guidelines established by the Di-
19 rector of the National Institute of Standards and
20 Technology, to be used in the determination of
21 FedRAMP authorizations;

22 “(3) monitor and oversee, to the greatest extent
23 practicable, the processes and procedures by which
24 agencies determine and validate requirements for a
25 FedRAMP authorization, including periodic review

1 of the agency determinations described in section
2 3613(b);

3 “(4) ensure consistency and transparency be-
4 tween agencies and cloud service providers in a man-
5 ner that minimizes confusion and engenders trust;
6 and

7 “(5) perform such other roles and responsibil-
8 ities as the Director may assign, with concurrence
9 from the Administrator.

10 “(e) DETERMINATIONS OF DEMAND FOR CLOUD
11 COMPUTING PRODUCTS AND SERVICES.—The FedRAMP
12 Board may consult with the Chief Information Officers
13 Council to establish a process, which may be made avail-
14 able on the website maintained under section 3609(b), for
15 prioritizing and accepting the cloud computing products
16 and services to be granted a FedRAMP authorization.

17 **“§ 3611. Independent assessment**

18 “The Administrator may determine whether
19 FedRAMP may use an independent assessment service to
20 analyze, validate, and attest to the quality and compliance
21 of security assessment materials provided by cloud service
22 providers during the course of a determination of whether
23 to use a cloud computing product or service.

1 **“§ 3612. Declaration of foreign interests**

2 “(a) IN GENERAL.—An independent assessment serv-
3 ice that performs services described in section 3611 shall
4 annually submit to the Administrator information relating
5 to any foreign interest, foreign influence, or foreign con-
6 trol of the independent assessment service.

7 “(b) UPDATES.—Not later than 48 hours after there
8 is a change in foreign ownership or control of an inde-
9 pendent assessment service that performs services de-
10 scribed in section 3611, the independent assessment serv-
11 ice shall submit to the Administrator an update to the in-
12 formation submitted under subsection (a).

13 “(c) CERTIFICATION.—The Administrator may re-
14 quire a representative of an independent assessment serv-
15 ice to certify the accuracy and completeness of any infor-
16 mation submitted under this section.

17 **“§ 3613. Roles and responsibilities of agencies**

18 “(a) IN GENERAL.—In implementing the require-
19 ments of FedRAMP, the head of each agency shall, con-
20 sistent with guidance issued by the Director pursuant to
21 section 3614—

22 “(1) promote the use of cloud computing prod-
23 ucts and services that meet FedRAMP security re-
24 quirements and other risk-based performance re-
25 quirements as determined by the Director, in con-
26 sultation with the Secretary;

1 “(2) confirm whether there is a FedRAMP au-
2 thorization in the secure mechanism provided under
3 section 3609(a)(8) before beginning the process of
4 granting a FedRAMP authorization for a cloud com-
5 puting product or service;

6 “(3) to the extent practicable, for any cloud
7 computing product or service the agency seeks to au-
8 thorize that has received a FedRAMP authorization,
9 use the existing assessments of security controls and
10 materials within any FedRAMP authorization pack-
11 age for that cloud computing product or service; and

12 “(4) provide to the Director data and informa-
13 tion required by the Director pursuant to section
14 3614 to determine how agencies are meeting metrics
15 established by the Administrator.

16 “(b) ATTESTATION.—Upon completing an assess-
17 ment or authorization activity with respect to a particular
18 cloud computing product or service, if an agency deter-
19 mines that the information and data the agency has re-
20 viewed under paragraph (2) or (3) of subsection (a) is
21 wholly or substantially deficient for the purposes of per-
22 forming an authorization of the cloud computing product
23 or service, the head of the agency shall document as part
24 of the resulting FedRAMP authorization package the rea-
25 sons for this determination.

1 “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE
2 REQUIRED.—Upon issuance of an agency authorization to
3 operate based on a FedRAMP authorization, the head of
4 the agency shall provide a copy of its authorization to op-
5 erate letter and any supplementary information required
6 pursuant to section 3609(a) to the Administrator.

7 “(d) SUBMISSION OF POLICIES REQUIRED.—Not
8 later than 180 days after the date on which the Director
9 issues guidance in accordance with section 3614(1), the
10 head of each agency, acting through the chief information
11 officer of the agency, shall submit to the Director all agen-
12 cy policies relating to the authorization of cloud computing
13 products and services.

14 “(e) PRESUMPTION OF ADEQUACY.—

15 “(1) IN GENERAL.—The assessment of security
16 controls and materials within the authorization
17 package for a FedRAMP authorization shall be pre-
18 sumed adequate for use in an agency authorization
19 to operate cloud computing products and services.

20 “(2) INFORMATION SECURITY REQUIRE-
21 MENTS.—The presumption under paragraph (1)
22 does not modify or alter—

23 “(A) the responsibility of any agency to en-
24 sure compliance with subchapter II of chapter

1 35 for any cloud computing product or service
2 used by the agency; or

3 “(B) the authority of the head of any
4 agency to make a determination that there is a
5 demonstrable need for additional security re-
6 quirements beyond the security requirements
7 included in a FedRAMP authorization for a
8 particular control implementation.

9 **“§ 3614. Roles and responsibilities of the Office of**
10 **Management and Budget**

11 “The Director shall—

12 “(1) in consultation with the Administrator and
13 the Secretary, issue guidance that—

14 “(A) specifies the categories or characteris-
15 tics of cloud computing products and services
16 that are within the scope of FedRAMP;

17 “(B) includes requirements for agencies to
18 obtain a FedRAMP authorization when oper-
19 ating a cloud computing product or service de-
20 scribed in subparagraph (A) as a Federal infor-
21 mation system; and

22 “(C) encompasses, to the greatest extent
23 practicable, all necessary and appropriate cloud
24 computing products and services;

1 “(2) issue guidance describing additional re-
2 sponsibilities of FedRAMP and the FedRAMP
3 Board to accelerate the adoption of secure cloud
4 computing products and services by the Federal
5 Government;

6 “(3) in consultation with the Administrator, es-
7 tablish a process to periodically review FedRAMP
8 authorization packages to support the secure author-
9 ization and reuse of secure cloud products and serv-
10 ices;

11 “(4) oversee the effectiveness of FedRAMP and
12 the FedRAMP Board, including the compliance by
13 the FedRAMP Board with the duties described in
14 section 3610(d); and

15 “(5) to the greatest extent practicable, encour-
16 age and promote consistency of the assessment, au-
17 thorization, adoption, and use of secure cloud com-
18 puting products and services within and across agen-
19 cies.

20 **“§ 3615. Reports to Congress; GAO report**

21 “(a) REPORTS TO CONGRESS.—Not later than 1 year
22 after the date of enactment of this section, and annually
23 thereafter, the Director shall submit to the appropriate
24 congressional committees a report that includes the fol-
25 lowing:

1 “(1) During the preceding year, the status, effi-
2 ciency, and effectiveness of the General Services Ad-
3 ministration under section 3609 and agencies under
4 section 3613 and in supporting the speed, effective-
5 ness, sharing, reuse, and security of authorizations
6 to operate for secure cloud computing products and
7 services.

8 “(2) Progress towards meeting the metrics re-
9 quired under section 3609(d).

10 “(3) Data on FedRAMP authorizations.

11 “(4) The average length of time to issue
12 FedRAMP authorizations.

13 “(5) The number of FedRAMP authorizations
14 submitted, issued, and denied for the preceding year.

15 “(6) A review of progress made during the pre-
16 ceding year in advancing automation techniques to
17 securely automate FedRAMP processes and to accel-
18 erate reporting under this section.

19 “(7) The number and characteristics of author-
20 ized cloud computing products and services in use at
21 each agency consistent with guidance provided by
22 the Director under section 3614.

23 “(8) A review of FedRAMP measures to ensure
24 the security of data stored or processed by cloud
25 service providers, which may include—

1 “(A) geolocation restrictions for provided
2 products or services;

3 “(B) disclosures of foreign elements of
4 supply chains of acquired products or services;

5 “(C) continued disclosures of ownership of
6 cloud service providers by foreign entities; and

7 “(D) encryption for data processed, stored,
8 or transmitted by cloud service providers.

9 “(b) GAO REPORT.—Not later than 180 days after
10 the date of enactment of this section, the Comptroller
11 General of the United States shall report to the appro-
12 priate congressional committees an assessment of the fol-
13 lowing:

14 “(1) The costs incurred by agencies and cloud
15 service providers relating to the issuance of
16 FedRAMP authorizations.

17 “(2) The extent to which agencies have proc-
18 esses in place to continuously monitor the implemen-
19 tation of cloud computing products and services op-
20 erating as Federal information systems.

21 “(3) How often and for which categories of
22 products and services agencies use FedRAMP au-
23 thorizations.

24 “(4) The unique costs and potential burdens in-
25 curred by cloud computing companies that are small

1 business concerns (as defined in section 3(a) of the
2 Small Business Act (15 U.S.C. 632(a)) as a part of
3 the FedRAMP authorization process.

4 **“§ 3616. Federal Secure Cloud Advisory Committee**

5 “(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

6 “(1) ESTABLISHMENT.—There is established a
7 Federal Secure Cloud Advisory Committee (referred
8 to in this section as the ‘Committee’) to ensure ef-
9 fective and ongoing coordination of agency adoption,
10 use, authorization, monitoring, acquisition, and secu-
11 rity of cloud computing products and services to en-
12 able agency mission and administrative priorities.

13 “(2) PURPOSES.—The purposes of the Com-
14 mittee are the following:

15 “(A) To examine the operations of
16 FedRAMP and determine ways that authoriza-
17 tion processes can continuously be improved, in-
18 cluding the following:

19 “(i) Measures to increase agency
20 reuse of FedRAMP authorizations.

21 “(ii) Proposed actions that can be
22 adopted to reduce the burden, confusion,
23 and cost associated with FedRAMP au-
24 thorizations for cloud service providers.

1 “(iii) Measures to increase the num-
2 ber of FedRAMP authorizations for cloud
3 computing products and services offered by
4 small businesses concerns (as defined by
5 section 3(a) of the Small Business Act (15
6 U.S.C. 632(a)).

7 “(iv) Proposed actions that can be
8 adopted to reduce the burden and cost of
9 FedRAMP authorizations for agencies.

10 “(B) Collect information and feedback on
11 agency compliance with and implementation of
12 FedRAMP requirements.

13 “(C) Serve as a forum that facilitates com-
14 munication and collaboration among the
15 FedRAMP stakeholder community.

16 “(3) DUTIES.—The duties of the Committee in-
17 clude providing advice and recommendations to the
18 Administrator, the FedRAMP Board, and agencies
19 on technical, financial, programmatic, and oper-
20 ational matters regarding secure adoption of cloud
21 computing products and services.

22 “(b) MEMBERS.—

23 “(1) COMPOSITION.—The Committee shall be
24 comprised of not more than 15 members who are
25 qualified representatives from the public and private

1 sectors, appointed by the Administrator, in consulta-
2 tion with the Director, as follows:

3 “(A) The Administrator or the Administra-
4 tor’s designee, who shall be the Chair of the
5 Committee.

6 “(B) At least 1 representative each from
7 the Cybersecurity and Infrastructure Security
8 Agency and the National Institute of Standards
9 and Technology.

10 “(C) At least 2 officials who serve as the
11 Chief Information Security Officer within an
12 agency, who shall be required to maintain such
13 a position throughout the duration of their serv-
14 ice on the Committee.

15 “(D) At least 1 official serving as Chief
16 Procurement Officer (or equivalent) in an agen-
17 cy, who shall be required to maintain such a po-
18 sition throughout the duration of their service
19 on the Committee.

20 “(E) At least 1 individual representing an
21 independent assessment service.

22 “(F) At least 5 representatives from
23 unique businesses that primarily provide cloud
24 computing services or products, including at
25 least 2 representatives from a small business

1 concern (as defined by section 3(a) of the Small
2 Business Act (15 U.S.C. 632(a))).

3 “(G) At least 2 other representatives of the
4 Federal Government as the Administrator de-
5 termines necessary to provide sufficient balance,
6 insights, or expertise to the Committee.

7 “(2) DEADLINE FOR APPOINTMENT.—Each
8 member of the Committee shall be appointed not
9 later than 90 days after the date of enactment of
10 this section.

11 “(3) PERIOD OF APPOINTMENT; VACANCIES.—

12 “(A) IN GENERAL.—Each non-Federal
13 member of the Committee shall be appointed
14 for a term of 3 years, except that the initial
15 terms for members may be staggered 1-, 2-, or
16 3-year terms to establish a rotation in which
17 one-third of the members are selected each
18 year. Any such member may be appointed for
19 not more than 2 consecutive terms.

20 “(B) VACANCIES.—Any vacancy in the
21 Committee shall not affect its powers, but shall
22 be filled in the same manner in which the origi-
23 nal appointment was made. Any member ap-
24 pointed to fill a vacancy occurring before the
25 expiration of the term for which the member’s

1 predecessor was appointed shall be appointed
2 only for the remainder of that term. A member
3 may serve after the expiration of that member's
4 term until a successor has taken office.

5 “(c) MEETINGS AND RULES OF PROCEDURES.—

6 “(1) MEETINGS.—The Committee shall hold
7 not fewer than 3 meetings in a calendar year, at
8 such time and place as determined by the Chair.

9 “(2) INITIAL MEETING.—Not later than 120
10 days after the date of enactment of this section, the
11 Committee shall meet and begin the operations of
12 the Committee.

13 “(3) RULES OF PROCEDURE.—The Committee
14 may establish rules for the conduct of the business
15 of the Committee if such rules are not inconsistent
16 with this section or other applicable law.

17 “(d) EMPLOYEE STATUS.—

18 “(1) IN GENERAL.—A member of the Com-
19 mittee (other than a member who is appointed to the
20 Committee in connection with another Federal ap-
21 pointment) shall not be considered an employee of
22 the Federal Government by reason of any service as
23 such a member, except for the purposes of section
24 5703 of title 5, relating to travel expenses.

1 “(2) PAY NOT PERMITTED.—A member of the
2 Committee covered by paragraph (1) may not receive
3 pay by reason of service on the Committee.

4 “(e) APPLICABILITY TO THE FEDERAL ADVISORY
5 COMMITTEE ACT.—Section 14 of the Federal Advisory
6 Committee Act (5 U.S.C. App.) shall not apply to the
7 Committee.

8 “(f) DETAIL OF EMPLOYEES.—Any Federal Govern-
9 ment employee may be detailed to the Committee without
10 reimbursement from the Committee, and such detailee
11 shall retain the rights, status, and privileges of his or her
12 regular employment without interruption.

13 “(g) POSTAL SERVICES.—The Committee may use
14 the United States mails in the same manner and under
15 the same conditions as agencies.

16 “(h) REPORTS.—

17 “(1) INTERIM REPORTS.—The Committee may
18 submit to the Administrator and Congress interim
19 reports containing such findings, conclusions, and
20 recommendations as have been agreed to by the
21 Committee.

22 “(2) ANNUAL REPORTS.—Not later than 540
23 days after the date of enactment of this section, and
24 annually thereafter, the Committee shall submit to
25 the Administrator and Congress a report containing

1 such findings, conclusions, and recommendations as
 2 have been agreed to by the Committee.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 4 The table of sections for chapter 36 of title 44, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing new items:

“3607. Definitions.

“3608. Federal Risk and Authorization Management Program.

“3609. Roles and responsibilities of the General Services Administration.

“3610. FedRAMP Board.

“3611. Independent assessment.

“3612. Declaration of foreign interests.

“3613. Roles and responsibilities of agencies.

“3614. Roles and responsibilities of the Office of Management and Budget.

“3615. Reports to Congress; GAO report.

“3616. Federal Secure Cloud Advisory Committee.”.

7 (c) SUNSET.—

8 (1) IN GENERAL.—Effective on the date that is
 9 5 years after the date of enactment of this Act,
 10 chapter 36 of title 44, United States Code, is
 11 amended by striking sections 3607 through 3616.

12 (2) CONFORMING AMENDMENT.—Effective on
 13 the date that is 5 years after the date of enactment
 14 of this Act, the table of sections for chapter 36 of
 15 title 44, United States Code, is amended by striking
 16 the items relating to sections 3607 through 3616.

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
 18 tion or any amendment made by this section shall be con-
 19 strued as altering or impairing the authorities of the Di-
 20 rector of the Office of Management and Budget or the

- 1 Secretary of Homeland Security under subchapter II of
- 2 chapter 35 of title 44, United States Code.

Passed the House of Representatives September 29,
2022.

Attest:

Clerk.

117TH CONGRESS
2^D SESSION

H. R. 8956

AN ACT

To amend chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government, and for other purposes.